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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,408	03/02/2004	Brett Wilson	022704	1467

7590 06/28/2005

Christopher J. Whewell
Western Patent Group
6020 Tonkova Trail
Georgetown, TX 78628

EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,408

Applicant(s)

WILSON, BRETT

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-11, 14 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-6, 12, 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The disclosure is objected to because of the following informalities: On page 12, line 9, the term “horizontal position” should be (vertical position).

Appropriate correction is required.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the set screws (see claims 8, 9, and 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 12-13 and 15-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See

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MPEP § 608.01(n). Accordingly, the claims 12-13 and 15-16 have not been further treated on the merits.

4. Claims 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, lines 4-5, the phrase “a third hole” should be claimed as (said third hole) if the Previously claimed third hole disposed through the right side surface (see claim 1, last two lines). In claim 10, the phrase “said third hole” makes the claim indefinite as to which of the previously claimed third holes is intended (see claims 1 and 3).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-11, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller Jr..

Miller Jr. disclose a device comprising:

- | | |
|--|----------------------|
| a) a central portion in the form of a rectangular solid; | 35, 36, 32 |
| b) top, bottom, right, left, front, and rear surfaces; | see figs. 11, 12 |
| c) a right wing portion; | one side of 35, 32 |
| d) at least one threaded hole; | contains 58 |
| e) a left wing portion; | other side of 35, 32 |
| f) another at least one threaded hole; | contains another 58 |

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g) first and second holes disposed through the top;	[52, 53] or [52', 53']
h) pins of a scope mount;	55 or 55'
i) a third hole disposed through the left and right sides;	44
j) a third hole in the top surface that is threaded;	33
k) a fourth hole in the top surface;	other 33
l) set screws;	58, 58, 48
m) a rear sight mount; and	37
n) a fastener.	48

7. Claims 1-3, 7-11, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanders.

Sanders discloses a device comprising:

a) a central portion in the form of a rectangular solid;	42
b) top, bottom, right, left, front, and rear surfaces;	see figs. 1, 2
c) a right wing portion;	44 or 46
d) at least one threaded hole;	50 or 52
e) a left wing portion;	44 or 46
f) another at least one threaded hole;	50 or 52
g) first and second holes disposed through the top;	106, 108
h) pins of a scope mount;	98, 100
i) a third hole disposed through the left and right sides;	72
j) a third hole in the top surface that is threaded;	22, 24, 26, 28
k) a fourth hole in the top surface;	22, 24, 26, 28

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- | | |
|----------------------------|------------|
| l) set screws; | 68, 70, 88 |
| m) a rear sight mount; and | 78 |
| n) a fastener. | 88 |

8. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

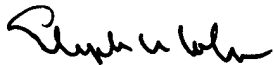
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sieg, Moore, and Nelson disclose other state of the art devices.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877.

The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ
June 23, 2005